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C O N F I D E N T I A L JAKARTA 013143

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SUBJECT: NAMRU-2 NEGOTIATIONS TO PROCEED NOVEMBER 9

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Classified By: AMBASSADOR B. LYNN PASCOE FOR REASONS 1.4 (b) and (d).

11. (C) Summary: We will be proceeding with an initial NAMRU-2 negotiation session on November 9. The Ambassador was told by Eddi Hariyadhi, Director General for American and European Affairs in the Department of Foreign Affairs Nov. 7 that he is confident that resolution of the issue would proceed "quickly." This message lays out our planned initial approach towards the negotiations. End Summary

12. (C) In the scheduled initial talks November 9 on the prospective Memorandum of Understanding on Naval Medical Research Unit-2 (NAMRU-2), we intend to lay out a presentation on the main areas of agreement and disagreement between our two sides based on the two texts (refs D and E) that each side presented last winter. While we emphasize that any exchange of ideas would be preliminary, our goal would be to seek to lay the groundwork to resolve minor differences first in order to start a momentum towards progress. At the same time, we would lay down clear markers on those issues that are most important to us and the ability of NAMRU-2 to carry out its work in a legal, practical and orderly fashion without compromising its scientific quality. It will be vital as we move forward in the coming sessions that the Department be prepared to move quickly to address issues as they arise in the negotiations. It is important to take advantage of the willingness of the GOI, under pressure from their president, to engage on this issue. We hope that the first session will at least create a path for the negotiations for subsequent sessions.

13. (C) From our perspective, the most important issues that we face as we move forward in this negotiation are those of status, transfer of technology and control of NAMRU-2's activities. On status, we believe that maintaining A and T status for NAMRU-2 personnel is essential in order to ensure the integrity of the work and protect them to operate freely like other USG employees overseas. In doing so, we would emphasize the fact that NAMRU-2 is an integral part of the U.S. Mission that should be treated in the same manner as other USG personnel assigned here.

14. (C) On transfer of technology, we would seek to avoid any changes from the status quo, while pointing out that the laboratory assistance they have drafted into their version is already being supplied outside the NAMRU-2 context through other programs. We would note as well that there are existing opportunities for training of Indonesian government

personnel that are not being taken advantage of. While we would not encourage insertions into the text, we would attempt to use recognition of these realities to establish the principle that such issues can be addressed outside the MOU through other mechanisms. We will work assiduously to ensure that no new bureaucratic control measures would be implemented that would have the effect of preventing the smooth operation of NAMRU-2 activities.

¶ 15. (C) On intellectual property rights and funding issues, we believe an education process will be required to make our interlocutors understand the international legal and scientific standards that need to be adhered to in order to maintain the reputation of NAMRU-2, ensure that researchers receive the credit that they have earned and that the conditions of funding grants are respected. The assumption is often made that NAMRU-2 is centrally funded by the USG, with little understanding of the low percentage of such funding. We will strive to make inroads in raising GOI awareness of these realities and the practical implications on NAMRU-2's work.

¶ 16. (C) The Indonesians have inserted multiple layers of language in their draft betraying the distrust of their security agencies concerning NAMRU-2's true purpose. We will work to eliminate this redundant language and keep it as close to our language as possible while assuring that NAMRU-2 is truly and legitimately an unclassified activity that is fully open to Indonesian access. In fact, we wish to encourage joint collaboration as completely as possible and seek useful means to do so.

¶ 17. (C) There are areas where we believe that Indonesian language should not present much of a problem and that we might propose to explore reasonably quick solutions. For example, in their draft they specify that Indonesian ethical standards must be respected when dealing with human subjects. NAMRU-2 is required by American law to respect local law in this area, thus we are already doing what the Indonesians are requesting. Similarly, NAMRU-2 practice in handling specimens resembles to a certain extent the procedures spelled out in the Indonesian draft. We believe that suitable wording could be found to meet the interests of both sides. The Indonesians specifically request that we pay for maintenance and repair of facilities, something we are doing already, but which is not addressed in our draft. We believe that addressing that point should prove relatively simple without changing the current status quo. Our draft calls for the Indonesians to build a laboratory. We believe that this is unnecessary (provided we are not required to build one) since the goal is to have their personnel imbedded within NAMRU-2, and in fact we are providing assistance for their laboratory through State ISN funding.

PASCOE